

# PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

## PCT

NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)

(PCT Rule 44bis.1(c))

To:

PAVELKO, Thomas  
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ETATS-UNIS D'AMERIQUE

Date of mailing ( <i>day/month/year</i> ) 21 July 2005 (21.07.2005)		
Applicant's or agent's file reference		<b>IMPORTANT NOTICE</b>
International application No. PCT/US2004/000224	International filing date ( <i>day/month/year</i> ) 07 January 2004 (07.01.2004)	
Priority date ( <i>day/month/year</i> ) 07 January 2003 (07.01.2003)		
Applicant SLIMAK, Karen, M.		

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Simin Baharlou

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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2004/000224	International filing date ( <i>day/month/year</i> ) 07 January 2004 (07.01.2004)	Priority date ( <i>day/month/year</i> ) 07 January 2003 (07.01.2003) ]
International Patent Classification (IPC) or national classification and IPC B05D 1/36		
Applicant SLIMAK, Karen, M.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report   |
| <input type="checkbox"/> Box No. II           | Priority  |
| <input type="checkbox"/> Box No. III          | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV           | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI           | Certain documents cited   |
| <input type="checkbox"/> Box No. VII          | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII         | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 08 July 2005 (08.07.2005)
	Authorized officer  Simin Baharlou  Telephone No. +41 22 338 71 30

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 27 AUG 2004

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To:  
THOMAS PAVLKO  
STEVENS, DAVIS, MILLER & MOSHER LLD  
1515 L ST. NW. SUITE 850  
WASHINGTON, DC 20036

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference		Date of mailing (day/month/year) <b>25 AUG 2004</b>
		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. PCT/US04/00224	International filing date (day/month/year) 07 January 2004 (07.01.2004)	Priority date (day/month/year) 07 January 2003 (07.01.2003)
International Patent Classification (IPC) or both national classification and IPC IPC(7): B05D 1/36 and US Cl.: 427/402		
Applicant SLIMAK, KAREN M.		

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I      Basis of the opinion
- ☐ Box No. II      Priority
- ☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV      Lack of unity of invention
- ☒ Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI      Certain documents cited
- ☐ Box No. VII      Certain defects in the international application
- ☐ Box No. VIII      Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Shrive P. Beck Telephone No. (703) 308-0661
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/00224

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/00224

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-11</u>	YES
	Claims <u>12-31</u>	NO
Inventive step (IS)	Claims <u>1-11 and 16-31</u>	YES
	Claims <u>12-15</u>	NO
Industrial applicability (IA)	Claims <u>1-31</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

1. The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve and inventive step (to be non-obvious), and to be industrially applicable. PCT Article 33(1).

2. Claims 12 and 15 lack an inventive step under PCT Article 33(3) as being obvious over Neumiller (US 5,354,540 A). Insofar as VOCs are known to cause negative health effects (1:19-35), it would have been obvious to one of ordinary skill in the art to restore the health of a patient, who has been made ill by VOCs, by either removing VOCs from the patient's environment or removing the patient from the VOC-containing environment.

3. Claim 13 lacks an inventive step under PCT Article 33(3) as being obvious over Neumiller (US 5,354,540 A), as applied to claim 12 above, in further view of Kinkead et al. (US 5,626,820 A). Insofar as VOCs are known contaminants eliminated from clean rooms (1:20-25), it would have been obvious to one of ordinary skill in the art to remove the ill patient to a clean room to effect the above-describe treatment.

4. Claim 14 lacks an inventive step under PCT Article 33(3) as being obvious over Neumiller (US 5,354,540 A) in view of Kinkead et al. (US 5,626,820 A), as applied to claim 13 above, in further view of Moll et al. (US 3,638,404 A). Insofar as clean rooms are known to be located in hospitals (1:5-12), it would have been obvious to one of ordinary skill in the art to remove the ill patient to a clean room located in a hospital to effect the above-described treatment.

5. Claims 1-11 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the method recited therein. As noted above, while VOCs are known to cause ill health effects, the prior art neither teaches nor fairly suggests a method comprising reducing the exposure of a human patient to volatile organic compounds by locating sources of VOCs to which the human patient is being exposed and reducing the VOC exposure by coating the VOC source with a material comprising glass or a glass precursor.

6. Claim 1-31 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.